

AGENCY RECEIPT

FILED

Notice of Agency Substantive Policy Statement

2002 AUG -6 A 10: 09

1. Agency Name:

Industrial Commission of Arizona.

SECRETARY OF STATE

2. The subject of the Substantive Policy Statement and the number by which the policy statement is referenced:

The Arizona Division of Occupational Safety and Health has adopted Federal OSHA's compliance directive (CPL) 2-1.037, concerning the enforcement procedures for the application of emergency action plans and fire prevention plans. This policy provides guidance to Division personnel about the uniform application of 29 CFR 1910.38.

NOTICE OF AGENCY SUBSTANTIVE POLICY STATEMENT

The Industrial Commission of Arizona

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

The Arizona Division of Occupational Safety and Health has adopted Federal OSHA's compliance directive (CPL) 2-1.037, concerning the enforcement procedures for the application of emergency action plans and fire prevention plans. This policy provides guidance to Division personnel about the uniform application of 29 CFR 1910.38.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

July 23, 2002

3. Summary of the contents of the substantive policy statement:

The CPL provides direction for Division personnel to use when planning to conduct inspections of workplaces. This compliance directive provides Division personnel with a better understanding of how to cite an employer for deficiencies concerning emergency action plans and fire prevention plans. Many standards require employers provide their employees' with certain protections as outlined in 29 CFR 1910.38: Depending upon the employer's operations, citing an employer for violations of 29 CFR 1910.38 may not always be appropriate. This CPL provides the understanding of the correct way to issue a citation, when an employer fails to provide certain elements of a particular standard (such as 1910.119, 1910.120, 1910.157 etc.)

4. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new policy statement

5. The name, address, and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Patrick Ryan, Assistant Director
800 West Washington Street
Phoenix, AZ 85007
(602) 542-1695
pat.ryan@osha.gov

6. Information about where a person may obtain a copy of the substantive policy statement and the cost for obtaining the policy statement:

Copies of the CPL can be obtained, at .25¢ per page, from the Division of Occupational Safety and Health, 800 West Washington Street, Suite 203, Phoenix AZ 85007.

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative Procedures Act. If you believe that this statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.